

REMARKS

Entry of the foregoing amendments to the application is requested on the grounds that the claims, as amended, patentably distinguish over the cited art of record or, alternatively, place the application in better condition for appeal. The claims more particularly point out and distinctly claim the subject matter which Applicants regard as the invention. No new issues have been added which would require further consideration and/or search, nor has any new matter been added. The claims as amended are believed to avoid the rejections applied in the Final Office Action for reasons set forth more fully below.

The Final Office Action of October 8, 2008 has been received and carefully reviewed. It is submitted that, by this Amendment, all bases of rejection are traversed and overcome. Upon entry of this Amendment, claims 1, 6-14, 16-18, and 20 remain pending in the application. Claim 2 was previously cancelled, and claims 3-5, 15 and 19 are cancelled herein. Support for the amendments to the independent claims can be found throughout the specification as filed, at least in paragraph [0040] and in cancelled claims 3, 4, and 5. Reconsideration of the claims is respectfully requested.

It is submitted that if claim 1 is found to contain allowable subject matter, it is requested that the Examiner also consider claims 11-14, 16 and 17 for rejoinder. Claims 11-14, 16 and 17 are method of manufacturing claims which require all of the limitations of the test device as defined in claim 1. Thus, under the requirements of MPEP §821.04(b), claims 11-14, 16 and 17 are eligible for rejoinder, and the previous restriction requirement of claims 11-14, 16 and 17 should be withdrawn.

Claims 1, 3, 4, 6, 7 and 18-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Groll (U.S. Patent Publication No. 2005/0019953).

Applicants' invention as recited in amended claim 1 relates to a self-calibrating, disposable blood test device. The blood test device includes: a substrate configured for carrying a chemical reagent; and circuitry formed on the

substrate. The circuitry includes: a sensor portion; an information storage portion; and an input and output arrangement formed on the substrate and in electrical communication with the information storage portion. The information storage portion is electrically connected to a portion of the sensor portion, and includes at least one electrically conductive element having an electrical characteristic that is indicative of the property of the chemical reagent. The at least one electrically conductive element includes a plurality of electrically conductive elements. Each element is configured to be physically altered, and a number of the altered elements produces an electrical characteristic that is indicative of the property of the chemical reagent. The electrical characteristic is impedance, and the electrically conductive elements include at least one of: a plurality of inductors arranged in series; or a plurality of capacitors arranged in parallel between a portion of the sensor portion and an input and output conductive element of the information storage portion.

In contrast, Groll teaches a self-calibrating disposable blood test strip (device). Groll does not teach or suggest a device using impedance, with at least part of the conductive elements (e.g., inductors) being physically altered. Groll also does not teach or suggest that the electrically conductive elements of the information storage portion are either a plurality of inductors arranged in series or a plurality of capacitors arranged generally in parallel. In light of Groll's lack of teachings or suggestions as set forth above, the Applicants respectfully assert that the §102(e) rejection should be withdrawn.

Under 35 U.S.C. §103(a), the Examiner combines Groll with Ward (U.S. Patent No. 5,410,504) in a rejection against claim 5, and further combines Groll with Mandecki (U.S. Patent Publication No. 2002/0006673) in a rejection of claims 8-10.

As stated above, Groll discloses a self-calibrating disposable blood test strip (device), but does not teach or suggest impedance or physical alteration of the conductive elements. Although Ward discloses a memory constructed from a

plurality of capacitor elements organized into a two-dimensional array having a plurality of rows and columns, Ward neither teaches nor suggests anything about each capacitor element being physically altered, let alone that altered elements produce an electrical characteristic of impedance.

For these reasons, it is submitted that if one skilled in the art were to combine Groll with Ward, such a combination would not anticipate or render obvious Applicants' invention as recited in the pending claims.

Regarding the rejection of Groll in combination with Mandecki, it is submitted that Mandecki neither teaches nor suggests the physical alteration of a plurality of capacitor/inductor elements to produce an electrical characteristic (impedance). In fact, Mandecki does not even mention inductors or capacitors, but rather discloses biomolecules that function as transponders.

In light of the above, Applicants submit that neither Ward nor Mandecki supplies the deficiencies of Groll. As such, it is submitted that the respective combinations of the references neither anticipate nor render obvious Applicants' invention as defined in the pending claims. Accordingly, the Applicants respectfully request that the §103(a) rejections should be withdrawn.

For all the reasons stated above, it is submitted that Applicants' invention as defined in independent claims 1 and 18, as well as in those claims depending therefrom, is not anticipated, taught or rendered obvious, and patentably defines over the art of record.

In summary, claims 1, 6-14, 16-18, and 20 remain in the application. It is submitted that, through this Amendment, Applicants' invention as set forth in these claims is now in a condition suitable for allowance. Should the Examiner believe otherwise, it is submitted that the claims as amended qualify for entry as placing the application in better form for appeal.

Further and favorable consideration is requested. If the Examiner believes it would expedite prosecution of the above-identified application, the Examiner is

cordially invited to contact Applicants' Attorney at the below-listed telephone number.

Respectfully submitted,

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